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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brines et al.

Serial No.: 09/717,057

Group Art Unit: 1646

Filed: November 22, 2000

Examiner: DeBerry, Regina M.

For: MODULATION OF EXCITABLE TISSUE
FUNCTION BY PERIPHERALLY
ADMINISTERED ERYTHROPOIETIN

Attorney Docket No.: 10165-010-999

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. §1.56**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the continuing duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to references EG to EZ listed on the attached revised form PTO-1449. This application is a divisional of U.S. Serial No. 09/547,220, filed April 11, 2000, which claims benefit of U.S. provisional application no. 60/118,030, filed April 13, 1999 (expired). Pursuant to 37 C.F.R. §1.98(d), the Examiner is directed to the file of Application Serial No. 09/547,220 for copies of references EG through EZ. However, if the Examiner would prefer, a copy of each of the identified references will be provided.

Identification of the listed references are not to be construed as an admission of the Applicants or Attorneys for the Applicants that such references are available as "prior art" against the subject application. Consequently, the Applicants respectfully decline to use form PTO-1449, since this form identifies all of the references cited therein as "Prior Art." As an

alternative, the Applicants submit herewith a "revised form PTO-1449" entitled "List of References Cited" instead of "List of Prior Art Cited".

The Applicants respectfully request that the Examiner review the foregoing reference and that the reference be made of record in the file history of the application.

This Supplemental Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the first Office Action on the merits, but before a Final Office Action or a Notice of Allowance. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Date August 16, 2002

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